

CITY OF MORGAN HILL
CITY COUNCIL AND JOINT
SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES - OCTOBER 18, 2000

CALL TO ORDER

Mayor/Chairman Kennedy called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Present: Council/Agency Members Chang, Cook, Sellers, Tate and Mayor/Chairman Kennedy

DECLARATION OF POSTING OF AGENDA

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

At the invitation of Mayor Kennedy, Dennis Pinion led the Pledge of Allegiance.

INTRODUCTIONS

City Manager Tewes introduced the following newly hired Public Works Department staff: Richard Guzman, *Grounds Keeper* and Mark Rauscher, *Utility Worker I*. (Albert Yeong, *Junior Engineer*; and Juan Diaz, *Grounds Keeper* were not in attendance).

PRESENTATIONS

Police Officer Gary Smith indicated that Abbott Laboratory and Community Law Enforcement Foundation (CLEF) made if possible to generate Morgan Hill Police Department Trading Cards.

Rosemary Kamei, Santa Clara Valley Water District (SCVWD) Board Member, addressed the City Council as a resident of Morgan Hill and a supporter of the Measure B campaign, the Clean, Safe Creeks and Natural Flood Protection measure on the November 7, 2000 Ballot. She indicated that passage of this county-wide ballot measure will result in the completion of the Llagas Creek (PL566) in Morgan Hill. With the \$39 annual special tax, the Llagas Creek project will have 16.6 miles of channel from Buena Vista Avenue in Gilroy to Wright Avenue. It would provide for the completion of the entire project with local share at \$12.7 million. The measure would result in the protection for south county areas. The measure will also provide opportunities for trails, recreation, wetlands capabilities, steel trout migration opportunities, and water quality in terms of pollution prevention. She said that the community wanted to know what will be happening to the project, whether the funds would be spent as indicated and whether the projects would be completed on time. It was

decided to form an oversight committee composed of local community stakeholders. Also, performance measures will be monitored on an annual basis, working toward getting legislation to offer low income seniors citizens a tax discount. A no vote would result in the Llagas Creek project will move forward in a slow pace. She requested City Council endorsement of Measure B by the adoption of the resolution before it.

Mayor Kennedy stated that the resolution in support of Measure B is attached to Agenda Item 12. He requested City Council endorsement of Measure B.

The Taste of Morgan Hill presentation was continued to October 25, 2000 at the request of staff.

PROCLAMATIONS

Mayor Kennedy presented a proclamation to Daniel Suniga, Community Solutions, declaring the Month of October as *Domestic Violence Awareness Month*.

CITY COUNCIL REPORT

Council Member Tate reported on the following: 1) the League of California Cities convention held September 7 - 9, 2000 was attended by Mayor Kennedy, Council Member Sellers and himself along with City Manager Tewes and City Attorney Leichter. He stated that the benefit of attending these conventions is the interaction and networking with colleagues from different cities. He indicated that a Youth Advisory Commission was established last year and that three Youth Advisory Commission members also attended the League's session. 2) Library site selection report was presented last month. He said that a joint county, city and school district committee has been formed to meet once a month, working toward an agreement and compatible operations that would improve the city's chances of getting Proposition 14 funding for a future library. He said that a meeting was held last Tuesday with another meeting scheduled for mid-November. At this meeting, a timeline will be presented to the committee with a Memorandum of Understanding (MOU) incorporate cooperative issues previously discussed. 3) City-School Liaison Committee - He indicated that all council members were present at Monday's School Board meeting when the site selection for the new high school was completed. He said that the Committee has been working on incentives that could be presented to the School District for the alternative site. He noted that the School District selected the Sobrato site. He said that the City Council will change its focus on November 3, 2000 to finalize the MOU with the School District on the provision of services to this site, reinforcing the 9 conditions. 4) Finance & Audit Committee welcomed new member Council Member Sellers. He indicated that this committee approved the indebtedness policy last month. 4) Emergency Preparedness Council - He said that it was pointed out to him that it was the 11th anniversary of the Loma Prieta Earthquake. He did not believe that the City should forget a lot of the lessons learned from the Loma Prieta Earthquake. He noted that on November 9, a county wide earthquake drill will take place.

CITY MANAGER'S REPORT

City Manager Tewes reported that the Youth Advisory Commissioners attended the League of California Cities and participated in facilitated workshops with youth commissioners from other

community organizations. He indicated that the Youth Advisory Commissioners will be making a presentation to the City Council on November 1. He invited the City Council and the community to join staff on Saturday, October 21 at 10:00 a.m. at the community center site for a ceremony wishing farewell to the Morgan Hill Elementary School and the Temple Emmanuel Church to make way for the community center.

CITY ATTORNEY'S REPORT

City Attorney Leichter stated that she did not have a report to present this evening.

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the floor to public comments for items not appearing on the agenda.

Dennis Pinion addressed the City Council regarding Henry Coe State Park and the Pineridge Association, a group of volunteers that support the park. He stated that there are 62 cooperating associations within the state of California with Henry Coe State Park being one of the associations. He indicated that a three day conference was held by the Associations in old town San Diego last Saturday. He attended the conference and accepted an award on behalf of Pineridge Association as the *Cooperating Association of the Year*. He indicated that he invited the Association to Morgan Hill for a future conference, noting that it is hard to find a place in Morgan Hill to host 100 individuals for a three-day conference.

Keith Robertson, 774 San Pedro Lane, thanked the City Council and city staff for attending a meeting at Las Casas de San Pedro held on September 28, 2000 to listen to the residents. He said that it instilled some confidence that they will be able to stay in Morgan Hill. With staff's assistance, the residents have seen some improvements to structures and rebuilds in terms of safety that have been needed for a long time.

Oscar Garcia, 1565 Archfield Court, presented the City Council with a petition circulated throughout town. He stated that the petition contains the signature of 500 individuals expressing concern with a problem in the downtown area associated with juveniles. The signatures include merchants, clientele and individuals who request that something be done about this problem. He said that the current situation is damaging the image and safety of downtown Morgan Hill. He addressed smoking, drinking in public, loitering, drugs and damage of private/property from First Street to Third Street on Monterey Road. He stated that the public parking lot located behind the General Store on Second Street and Monterey Road is a hang out for juveniles from 11-12 midnight causing problems at night (e.g., breaking water mains and causing flooding to the General Store, climbing roofs, being caught inside buildings, urinating in public). He requested that a sign be posted stating "No Loitering" in the parking lot.

Mayor Kennedy requested that City Manager Tewes address this concern as the citizens have a right to patronize the downtown area without intimidation.

City Manager Tewes said that over the past month the Police Department has been working with downtown merchants, improving enforcement. He said that city staff have other solutions in mind that would require the cooperation of merchants and owners. Staff has looked at whether additional laws might be useful. He indicated that staff and the city attorney have reviewed existing ordinances which respect to activities on the sidewalks and public right of way and that staff will be bringing modifications to the City Council which may be helpful. He concurred with Mayor Kennedy that every individual in the community has a right to participate and enjoy the downtown, including young people who are engaged in lawful activities. It is those who are not that need to be addressed.

Mr. Garcia stated that in the last month, there has been an improvement with the physical appearance of police officers in the downtown area. However, the problem is being shifted from one area to another. He felt that if there was an outlet for the youth, it would help the situation. He stated that everyone who signed the petition have offered to assist in solving the problem such as patrolling the area and providing adult supervision.

Council Member Sellers stated that he would like to be actively involved in coming up with a solution to the problem to protect the investment that has been made to the downtown area as well as the safety of employees and others who patronize the downtown area. He felt that with a more diverse community in the downtown area, the less likely juveniles would cause problems.

Chief of Police Schwab concurred with the comments expressed. He stated that the Police Department is aware of the problem and that an attempt is being made to address the problem such as having officers on foot patrol and undercover patrol in the downtown area. Arrangements have been made to improve the lighting in the downtown commons parking lot. He felt that this is a problem that needs to be solved with the involvement of the community and business owners. He said that the Police Department would like to meet with the merchants to present ideas on how they can participate in solving this problem.

Council Member Sellers said that the San Jose Mercury has stated that Morgan Hill has been recognized to have increased traffic in the greater Bay/Silicon Valley area and that it has become intolerable. He requested that Mayor Kennedy convene an emergency transportation/traffic summit, inviting law enforcement agencies and leaders to see if there is anything that can be done to address the traffic problem.

City Manager Tewes stated that staff is preparing a traffic congestion relief strategy for City Council consideration that will address things that have been done, including short and long range solutions. Some items will require the participation and assistance from other agencies and the cooperation from the community. He indicated that staff is putting together a comprehensive report for the City Council's November 1 meeting.

Mayor Kennedy stated that he would take up the suggestion offered by Council Member Sellers. He suggested that the City invite law enforcement agencies and the Mike Evanhoe, General Manager to the Congestion Management Agency. He stated that he would be meeting this Friday with the VTA Administration and Finance Committee to prepare an agenda item for the full VTA Board of

Directors, focusing on this problem and presenting recommendations on the formation of a body to oversee the deliverance of Measure A and B projects (e.g., widening Highway 101). He acknowledged that this project is underway but that it is not moving fast enough as the current schedule calls for the project to be completed at the end of 2003. He found this schedule to be unacceptable and felt that it could be improved.

No further comments were offered.

City Council Action

CONSENT CALENDAR:

Mayor Kennedy noted that the City Council has a revised resolution before it for Agenda Item #2. He requested that Agenda Items 10 and 12 be removed from the Consent Calendar.

Council Member Chang noted that her office is located within 200 feet from Agenda Item 7 and therefore would be abstaining from voting on Item 7.

Action: *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Sellers, the City Council unanimously (5-0) **approved** Consent Calendar Items 1-6, 8, 9, 11, 13 and 14 as follows:*

1. **SEPTEMBER 2000 FINANCE AND INVESTMENT REPORT**

Action: *Accepted and filed report.*

2. **OUT OF AGENCY SERVICE REQUEST OASR 00-03: COPPER HILL DRIVE - WHITMIRE - Resolution No. 5433**

Action: *Adopted Resolution No. 5433 Approving the Forwarding of the Request to LAFCO, as amended this evening.*

3. **AWARD OF PURCHASE ORDER FOR DISMANTLING, TRANSPORTING AND INSTALLING MODULAR BUILDINGS FOR CITY HALL EXPANSION**

Action: *1) In Accordance with Section 3.04.150A of City Code, **Determined** that the Competitive Bid Process for Moving and Re-installing the Modulares Would Not likely Result in a Lower Price to the City from a Responsible Bidder and/or Would Cause Unnecessary Expense or Delay of the Project, and 2) **Approved** Purchase Order in the Amount of \$13,762 with Damron Construction, Inc. for Dismantling, Transporting and Installing the Modular Buildings for City Hall Expansion.*

4. **EXCHANGE OF LAND FOR RESERVOIR SITE**

Action: ***Approved** the Agreement and Joint Escrow Instructions for Exchange of This Property and **Authorized** the City Manager to Execute this Document, the Escrow Documents, and the Deed Needed to Effectuate This Change of Ownership.*

5. APPROVAL OF SOLE SOURCE PURCHASE OF WATER METERS

Action: 1) Approved Purchase of Water Meters from Sensus Technologies in Accordance with Section 3.04.120.A(4) of the Municipal Code - Brand Names or Equal Specification and Section 3.04.150.C - Sole Source Purchases, and 2) Approved Purchase Order of \$158,455 to Sensus Technologies for the Annual Supply of Water Meters.

6. APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH BUTTERFIELD BUSINESS CENTER, LLC

Action: Approved the Subdivision Improvement Agreement and Authorized the City Manager to Sign the Agreement on Behalf of the City with Butterfield Business Center, LLC.

8. AMENDMENT TO THE MANAGEMENT RESOLUTION - Resolution No.5436

Action: Adopted Resolution No. 5436 Amending the Management Professional and Confidential Employees Resolution No. 5320 to Assign a Salary Range and Job Description to the Position of Assistant to the City Manager.

9. AMICUS REQUEST FROM CITY OF MOUNTAIN VIEW REGARDING WATER FLUORIDATION CASE

Action: Authorized the City Attorney to Join the City of Mountain View and the League of California Cities in Support of the Amicus Brief Filed on Behalf of the City of Mountain View in Lamar v. City of Mountain View.

11. RECYCLING REWARDS CALENDAR

Action: Accepted Printing Bid for the Annual Recycling Rewards Calendar; and Authorized the City Manager to Issue a Purchase Order in the Amount of \$35,577.45

13. SPECIAL CITY COUNCIL MEETING MINUTES OF SEPTEMBER 28, 2000

Action: Approved the minutes as written

14. SPECIAL CITY COUNCIL MEETING MINUTES OF OCTOBER 4, 2000

Action: Approved the minutes as written

7. REIMBURSEMENT AGREEMENT WITH JONES & MOORE CONSTRUCTION, INC. FOR MCCLAUGHLIN AVENUE PUBLIC IMPROVEMENTS

Action: On a motion by Council Member Cook and seconded by Mayor Pro Tempore Tate, the City Council, on a 3-0-2 vote with Council Member Chang and Sellers abstaining: 1) Appropriated \$32,563 from the Current Year Unappropriated Undergrounding Utilities Fund (Fund 350) Balance for the Utility Undergrounding Portion of the Work, and 2) Approved the Reimbursement Agreement and Authorize the City Manager to Execute the Agreement on Behalf of the City.

10. PROPOSITION 35: PUBLIC WORKS PROJECTS. USE OF PRIVATE

**CONTRACTORS FOR ENGINEERING AND ARCHITECTURAL
SERVICES - Resolution No. 5435**

Mayor Kennedy encouraged the City Council and the public to support Proposition 35 as it will allow the use of private contractors for engineering and architectural services. Allowing private contractors and engineers for public projects would result in projects being completed in a timely manner and encourages competition.

Action: *On a motion by Council Member Cook and seconded by Mayor Pro Tempore Tate, the City Council unanimously (5-0) **Adopted** Resolution No. 5435, Supporting Proposition 35.*

**12. SUPPORT OF MEASURE B - CLEAN, SAFE CREEKS AND NATURAL FLOOD
PROTECTION - Resolution No. 5437**

Mayor Kennedy noted that Santa Clara Valley Water District Board Member Rosemary Kamei made a presentation earlier this evening. He said that there was a letter to the editor in the Morgan Hill from Mr. Graff in which he criticized individuals in support of Measure B stating that it does not make sense to support the Measure because south Santa Clara County has not received its fair share of funding in the past. He said that although the funding did run out for the PL556 project, it made sense to proceed with the completion of the project as the funds are desperately needed to complete flood control projects that are critical to Morgan Hill and south Santa Clara County.

Council Member Cook thanked Ms. Kamei and Mr. Fiedler from the Santa Clara Valley Water District for attending tonight's City Council meeting to address Measure B. She stated that this is an issue that she has worked on with the Water District on the South County Flood Control Commission for over three years. She said that without Measure B, south county would not be able to afford cleaning the creeks or performing annual maintenance of the creeks. She felt that it was important to see that the projects that have been invested upon be maintained and completed. She noted that this is a county-wide issue and that citizens need to work together. She requested public support of Measure B.

Action: *On a motion by Council Member Chang and seconded by Mayor Pro Tempore Tate, the City Council unanimously (5-0) **Adopted** Resolution No. 5437, Endorsing Measure B - Clean, Safe Creeks and Natural Flood Protection.*

PUBLIC HEARINGS:

**15. EXTENSION OF TIME FOR USE PERMIT UP-99-02: CALLE ENRIQUE -
GUEVARA**

Director of Community Development Bischoff informed the City Council that the applicant is requesting a continuance of the application to November 15, 2000. He stated that it was his belief that a one month extension is being requested so that the applicant can have additional time to present his

comments to the City Council.

Mayor Pro Tempore Tate did not understand the need for an extension as time seems to be of the essence.

Council Member Cook stated that she was pleased to hear that there were no outstanding code violations. She stated that she would like to have the applicant complete building improvements as the site is an eye sore to the neighborhood. She recommended that during the intervening period, staff be directed to work with the owner/applicant to come up with a time frame for project completion.

Director of Community Development Bischoff stated that staff has indicated that the applicant plans to continue with the completion of improvements during the continuance period. He clarified that should the Council not approve the use permit, the infant/toddler daycare center use would not be able to occupy the building. By virtue of the investments being made to the property, it is hoped that the property owner would continue with the improvements so that the building can be utilized for an office use. He concurred with Council Member Cook that no one would be served by denying the use permit and allowing the building to sit the way it is. He noted that it is the landlord who is responsible for the improvements and that he is not moving diligently with the project, not the applicant of the infant/toddler day care center.

Mayor Pro Tempore Tate stated that he has reviewed Planning Commission documentation and that he did not see that the documentation contained a recommendation of what should be done with the building.

Mr. Bischoff said that there was nothing that the Commission could do regarding the building unless there were code violations. He said that the City would encourage that the property owner bring the building up to a standard that would not render it unsightly.

Mayor Kennedy opened the public hearing.

Carol Rado, 496 Via Sorrento, indicated that a portion of her property backs up to the property under discussion. She indicated that she opposed the zone change to allow the use of an infant/toddler daycare center adjacent to a residential neighborhood. She stated that area residents were concerned with noise and a different businesses in the neighborhood. She said that the neighbors have spent a year dealing with construction being done in a sub standard manner, dealt with off hour construction, and expressed concern with the approval of a use permit governing noise abatement. She stated that she does not have a good feeling about placing this use with 52 children being placed in a small area that backs up to a residential neighborhood. She expressed concern with her property value with respect to the change in use. She stated that she has not seen a good faith effort demonstrated in following building rules, much less zoning rules.

Ed Rado, 496 Via Sorrento, stated that he was opposed to granting the extension of the use permit. For the past 1.5 years, he has attended every Planning Commission meeting relating to this use. Since then, the applicant has shown total disregard for the community surrounding the site. He stated that

he has called the city many times to express concerns about the site. He felt that at this time, the applicant and the owner have shown that they will not fulfill their commitment. He did not believe that granting an extension would result in the applicant meeting all requirements and that once a business goes in, it is hard to close it. If the applicant had demonstrated good faith up to this point, he would support the use.

In response to Council Member Chang's question, Mr. Bischoff indicated that the owner has a building permit and that he did not know whether the owner has performed work without a permit. He said that the project was red tagged for pouring concrete without the necessary inspections and that he would investigate to determine if the proper permits have been secured. It was his understanding that the owner is the person who has been making improvements to the property and that it has been through the owner and the contractor who the city has been having difficulties with.

Council Member Chang asked what would happen to the stock pile if the appeal is denied? Mr. Bischoff said that if an encroachment permit has been obtained, bonding can be used to remove the stock pile. If an encroachment has not been secured, the City could require that the stock pile be removed or that the City could remove it from the right of way.

Mayor Kennedy asked if the city can clean up the mess and bill the owner to resolve the problem? City Attorney Leichter responded that the City can compel a code enforcement action to the extent that there is extraneous construction debris that has been sitting for a long period of time.

Mr. Bischoff said that a property owner with a building permit has to proceed to the next inspection within a six month period.

Ed Guevara, applicant for the infant/toddler daycare center, said that some of the construction work has not been up to par but that he is attempting to correct issues of concern. He indicated that he helps the property owner with building permits and that he tries to help get the work done. He stated that the owner hired an architect who was not able to complete the design work. It was nine months before a building permit was issued to start the project in order to meet the city's design review requirements. He said that he is limited in what he can do as the property owner hires the contractors. He indicated that he would be purchasing the building once the project is completed. He anticipates that the project can be completed within 60-90 days. He requested that the City Council grant the extension and allow him to complete the project. He felt that it would be unfair not to grant the extension because he is not in control of construction and that he is trying to work with everyone. He felt that the project will be an asset to the community once opened. He indicated that he has an existing business and that this business would be an infant/toddler daycare center to be located in a different location. He said that the number of children allowed in a facility is determined by building square footage and State requirements. He stated that he would not be able to obtain state licensing until the use is ready to commence.

Mayor Pro Tempore Tate noted that there were a series of conditions as part of the Planning Commission resolution of approval for the use permit. He asked Mr. Guevara if he would be able to comply with said conditions? Mr. Guevara responded that he would have to comply with the conditions or the use permit would be revoked.

No further input being offered, the public hearing was closed.

Council Member Cook felt that the City was having trouble separating the construction issue from the use and zoning issue. She stated that the Planning Commission granted a shorter time extension versus the typical year extension, noting that a shorter time was granted in response to neighborhood complaints. She did not believe that this was a zoning issue.

Mr. Bischoff indicated that the Planning Commission was trying to do what it could to expedite the project. He said that an applicant will not want to make an investment to improve a building unless they are assured that they will be able to secure entitlement. Therefore, this is the normal process but not in terms of length of time to complete a project.

Council Member Sellers stated that he was encouraged to hear that Mr. Guevara was going to purchase the property. He stated that he would support a 60 day extension in order to move the process along.

Council Member Chang recommended that the request be deferred to November 15, 2000. If no effort is made by the applicant by that date, the request for continuance can be denied at that time.

Council Member Cook said that she would like to see the applicant and the owner of the building meet with staff to develop a time schedule for project completion. She stated that she would like to get the neighborhood cleaned up and the project finished, eliminating the eye sore in the neighborhood and to ensure public safety. She stated that she would support a continuance if a construction schedule is submitted on November 15, 2000.

Mayor Pro Tempore Tate concurred with the comments as expressed by Council Members Chang Cook. However, he did not see a reason to continue the request to November 15. He felt that a continuance to November 1 would provide the applicant with the amount of time necessary to develop a construction schedule.

Action: *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Cook, the City Council unanimously (5-0) **Continued** this application to November 1, 2000 with the stipulation that a construction schedule be prepared by the owner/applicant to be submitted to City Staff.*

16. SIGN ORDINANCE TEXT AMENDMENT, APPLICATION ZA-00-12: CITY OF MORGAN HILL - Ordinance No. 1491, New Series

Director of Community Development presented the staff report. Mayor Kennedy opened the public hearing. No comments being offered, the public hearing was closed.

Action: *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Chang, the City Council unanimously (5-0) **Waived** the reading in full of Ordinance No. 1491, New Series.*

Action: *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Cook, the City Council **Introduced** Ordinance 1491, New Series by Title Only as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTION 18.76.240 OF THE MUNICIPAL CODE INCREASING THE MAXIMUM LETTER HEIGHT FOR BUILDING ATTACHED SIGNS FOR INSTITUTIONAL FACILITIES IN THE CITY'S RESIDENTIAL ZONING DISTRICTS by the following roll call vote: AYES: Chang, Cook, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

SECOND READING OF ORDINANCE:

17. ADOPT ORDINANCE NO. 1489, NEW SERIES

Action: *On a motion by Council Member Sellers and seconded by Mayor Pro Tempore Tate, the City Council **Adopted** Ordinance No. 1489, New Series as follows: An Ordinance of The City Council of The City of Morgan Hill Approving a Development Agreement with Coyote Ranch Limited Partners for a 5-Unit (Phase 5A) Addition to the Coyote Estates Project Which Was Awarded An Allocation Through the Residential Development Control System for Fiscal Year 2001 - 2002, as amended, by the following roll call vote: AYES: Chang, Cook, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

18. ADOPT ORDINANCE NO. 1490, NEW SERIES

Action: *On a motion by Council Member Sellers and seconded by Mayor Pro Tempore Tate, the City Council **Adopted** Ordinance No. 1489, New Series as follows: An Ordinance of The City Council of The City of Morgan Hill Establishing Chapter 15.64 of the Municipal Code Reviewing Wood-burning Appliances by the following roll call vote: AYES: Chang, Cook, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

City Council & Redevelopment Agency Action

CONSENT CALENDAR:

19. JOINT REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF SEPTEMBER 27, 2000

Action: *On a motion by Vice-chairman/Council Member Sellers and seconded by Agency Member/Mayor Pro Tempore Tate, the Agency Commission/City Council unanimously (5-0) **Approved** the minutes, amending page 11 to include Dunne Avenue as one of the three sites to be considered.*

OTHER BUSINESS:

20. CITY COUNCIL AND REDEVELOPMENT AGENCY NOVEMBER, DECEMBER AND JANUARY MEETING SCHEDULE

Council Services and Records Manager Torrez presented the staff report.

City Manager Tewes advised the City Council that on November 29, the Mobile Home Rent Commission will be meeting to consider important issues. Therefore, it may be necessary to find an alternative meeting location.

Council/Agency Member Sellers recommended that the City Council consider taking meetings to various areas in the community.

Mayor/Chairman Kennedy requested that staff investigate an alternate meeting location or that the Mobile Home Rent Commission find an alternate meeting place.

Action: *On a motion by Mayor Pro Tempore/Agency Member Tate and seconded by Council/Agency Member Chang, the City Council/Agency Commission unanimously (5-0) **Directed** staff to adjust its November, December and January meeting schedule as follows: hold its regularly scheduled November 1 and 15 City Council meetings, Canceled its Redevelopment Agency meeting of November 22; hold a special meeting on November 29, hold its regularly scheduled December 6 and 20 City Council meetings, canceled the December 27 Redevelopment Agency meeting; canceled the Regular City Council meeting of January 3, 2000; hold a special City Council meeting on January 10, 2000, and meet on January 17 (regular City Council meeting) and January 24 (regular Redevelopment Agency meeting).*

CLOSED SESSION:

City Attorney Leichter announced the following closed session items:

1.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority:	Government Code 54956.8 & 54956.9(c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Road (St. Louise Hospital property)
City Negotiators:	Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic:	Potential Litigation

2.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code section 54956.9(b) - in reference to a letter received from Dr. Roger Edrington dated 10/5/00 relating to statements contained therein.

Mayor Kennedy opened the floor to public comment.

ADJOURN TO CLOSED SESSION:

Mayor Kennedy adjourned the meeting to closed session at 9:25 p.m.

RECONVENE:

Mayor Kennedy reconvened the meeting at 9:47 p.m.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Leichter announced that no reportable action was taken on the above listed closed session items.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

- Schedule discussion of alternate meeting location (Council)

ADJOURNMENT

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 9:48 p.m.

MINUTES RECORDED AND PREPARED BY:

Irma Torrez, City Clerk